

FORM PTO-1390
(REV. 12-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371C-106
U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/009,657

INTERNATIONAL APPLICATION NO.
PCT/IB00/00536INTERNATIONAL FILING DATE
27 April 2000PRIORITY DATE CLAIMED
30 April 1999TITLE OF INVENTION **DATA COMMUNICATION IN A WIRELESS LOCAL AREA
NETWORK USING M-ARY CODE KEYING**

APPLICANT(S) FOR DO/EO/US

T. O'Farrell, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). **(copy) see item 20(b) below***
10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A **FIRST** preliminary amendment.
14. A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. A substitute specification.
16. A change of power of attorney and/or address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information:
 - (a) Form PCT/DO/EO/905 - "371 Formalities Notice" mailed February 27, 2002.
 - *(b) The original Supplemental Declaration signed by the inventors on February 26, 2002 was filed in the U.S. Patent and

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) **10/009,657**INTERNATIONAL APPLICATION NO.
PCT/IB00/00536ATTORNEY'S DOCKET NUMBER
MAC-106

CALCULATIONS PTO USE ONLY

21. The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$

130.00Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(c)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =		x \$18.00
Independent claims	- 3 =		x \$84.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00

\$

130.00**TOTAL OF ABOVE CALCULATIONS =**

\$

65.00

<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	+ \$ 65.00
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SUBTOTAL = \$ 65.00Processing fee of \$130.00 for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$

65.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

TOTAL FEES ENCLOSED = \$ 65.00

\$

Amount to be refunded:

\$

charged:

\$

- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0625. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Barry R. Lipsitz
Law Offices of Barry R. Lipsitz
755 Main Street, Building No. 8
Monroe, CT 06468
(203) 459-0200
Date: 02 April 2002

SIGNATURE

Barry R. Lipsitz

NAME

28,637

REGISTRATION NUMBER

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: BOX PCT, Commissioner for Patents, Washington, D.C. 20231 on:

April 2, 2002By: Carol Prentiss
Carol Prentiss

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

T. O'Farrell, et al.

U.S. Application No.: 10/009,657

Filed: October 30, 2001

Title: DATA COMMUNICATION IN A WIRELESS LOCAL
AREA NETWORK USING M-ARY CODE KEYING**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:
Commissioner for Patents, Washington, D.C. 20231 on: February 28, 2002

By: *Carol Prentice*
Carol Prentice

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Dear Sir:

Enclosed are the following items for filing in the above-referenced patent application:

- [x] Supplemental Declaration, Power of Attorney and Petition – 2 sheets
[x] Updated Patent Application Data Entry Form – 2 sheets

The enclosed Patent Application Data Entry Form has been updated to include the inventors' country of residence under "Inventor Information".

Respectfully submitted,


Barry R. Lipsitz
Attorney for Applicant(s)
Registration No. 28,637
Law Offices of Barry R. Lipsitz
755 Main Street, Bldg. No. 8
Monroe, CT 06468
(203) 459-0200

Date: February 28, 2002
Attorney Docket No.: MAC-106

Commissioner for Patents
Washington, D.C. 20231

Sir: Please acknowledge receipt of the following papers by stamping and returning this card.

In re Application of:

T. O'Farrell, et al.

Application No.:

10/009,657

Filed:

October 30, 2001

Title:

DATA COMMUNICATION IN A WIRELESS LOCAL AREA NETWORK USING
M-ARY CODE KEYING
MAC-106

Attorney Docket No.:

- Transmittal Letter - 1 sheet
- Supplemental Declaration, Power of Attorney and Petition - 2 sheets
- Updated Patent Application Data Entry Form - 2 sheets

Attorney: B. R. Lipsitz

Mailed: February 28, 2002



JC05 Rec'd PCT/PTO 11 MAR 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box 9001
 United States Patent and Trademark Office
 Washington, D.C. 20539
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/009,657	T. O'Farrell	MAC-106
INTERNATIONAL APPLICATION NO.		
PCT/IB00/00536		
I.A. FILING DATE	PRIORITY DATE	
04/27/2000	04/30/1999	
CONFIRMATION NO. 8384		
371 FORMALITIES LETTER		
 OC00000007517227		

4/27/02

Date Mailed: 02/27/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Assignee Statement
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE

OF THIS NOTICE OR BY 22 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO..
10/009,657	PCT/IB00/00536	MAC-106

FORM PCT/DO/EO/905 (371 Formalities Notice)